

**Indiana Emergency Response Commission  
January 9, 2006  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204  
Conference Center Room C**

**WELCOME AND INTRODUCTION**

Chairman Clifford Wojtalewicz called the meeting to order.

**ROLL CALL TO ORDER**

Cliff Wojtalewicz—Proxy, Chair IDHS	C. Richard Brown—Local Government
Bruce Palin—Proxy, IDEM	William Reed, Jr.—Public
Mike Garvey—Proxy, State Fire Marshal	Sherman Greer—Local Government
Major Tom Melville—Proxy, ISP	

The following Commission members were absent:

Dean Larson	Stephen Nash
James Pridgen	Fred Armstrong
Steve Wettschurack	

The following staff members were present:

Bradley Gavin—IDHS	Ian Ewusi—IDEM/IDHS
Laura Steadham—IDEM	Dolly Watkins—IDHS

**QUORUM**

A quorum was present.

**CONSIDERATION OF MINUTES**

Chairman Wojtalewicz called for consideration of the minutes for the November 14, 2005 meeting. A motion was made by Commissioner Palin and seconded by Commissioner Greer to accept the minutes without amendment. Following no discussion, **MOTION CARRIED.**

**REPORT OF THE CHAIRMAN**

Chairman Wojtalewicz introduced Dolly Watkins as the Council Coordinator and welcomed her to the Indiana Department of Homeland Security.

Chairman Wojtalewicz reported that there was no report from the Chair at that point.

## **COMMITTEE REPORTS**

### **Communications Committee—Commissioner Sherman Greer, Chair**

Commissioner Greer stated that the Communications Committee had not met. He indicated that the current electronic newsletter had not reported anything on about LEPCs at that point and that the Committee was looking at how and what could be published. Mr. Greer noted that in the past the Committee contracted Mr. Ken Rogers as the managing editor to address this issue. He mentioned that there had been several inquiries regarding the publication and its function from several southern counties, so the Committee was still reviewing the possibility of acquiring Mr. Rogers' services.

Mr. Greer suggested that the internet-based communications service be revisited at the next committee meeting to evaluate its applicability, logistics, effectiveness and cost.

### **Technical Committee—Commissioner Jim Pridgen, Chair**

Commissioner Pridgen was absent, and Mr. Ewusi reported that the Technical Committee had not met and that there was nothing to report.

### **Legislative Committee—Chair, Vacant**

Mr. Gavin passed out a summary of the bills that had been introduced to the Legislature this session. He indicated that the following bills were of particular interest:

- House Bill (HB) 1107, Barrett Law, will allow the use of certain local funds for warning sirens
- HB 1121 addresses flood control and makes some changes regarding placement of fill into floodways and some language for obstructing the floodway
- Senate Bill 285, the Emergency Management Certification Bill (also known as last year's Senate Bill 201) establishes a certification program for emergency management directors

### **Training Committee—Commissioner C.R. Brown, Chair**

Commissioner Brown reported that the Training Committee had met and reviewed the applications of three vendors who had requested to be added to the state's list of certified hazardous materials trainers. The vendors were Maynard Masters, TNT Enterprises, Inc. and members of the Saint Joseph County Fire Department. He indicated that the Committee had recommended approving all the vendors upon receipt of documentation on their training certification levels.

Mr. Brown also stated that the Committee had recommended that LEPC funds should not be used to pay for NIMS training and that the Commission should provide guidance or an official statement. He indicated that most LEPC members are department heads or

members of emergency response, so they should be getting their NIMS training through their own departments.

A discussion ensued between the Commission and the audience regarding funding for NIMS training. It was noted that Evansville was taking advantage of various train-the-trainer NIMS courses to address cost. Commissioner Brown stated that DHS offered many training opportunities and that LEPCs were eligible for the training.

Chairman Wojtalewicz proposed that the Training Committee come up with some written guidance that could be communicated to the field.

#### **Fiscal Committee—Chair, Vacant**

Mr. Ewusi reported that the Fiscal Committee had not met and that there was nothing to report. It was suggested that the Commission look at the membership list and fill the vacancies.

#### **Policy Committee—Chair, Vacant**

The Policy Committee had not met; however, there were two LEPC spending proposals that had been submitted by Lake County LEPC. The LEPC had requested a \$32,000 grant from the IERC to purchase four instruments known as the Area RAE Gamma, a toxic gas and gamma ray detecting machine with the wireless RF radio frequency. Mr. Gavin stated that if this was for a countywide Hazmat team, it fell under LEPC category 4 spending and the LEPC did not need to bring it before the Commission. The grant was not voted on, since it was determined that the request was addressed under LEPC category 4 spending.

In addition, Lake County had requested to help fund the purchase of one kit by the Lake County Health Department for use in detecting an influenza epidemic and the bird flu virus. The Lake County LEPC requested \$1000 under LEPC spending category 7. The Commission determined that the request did not meet with the defined LEPC spending categories. Commissioner Greer made the motion to deny the request and send a letter to the Lake County LEPC on the Commission's decision. Commissioner Brown seconded the motion. Following no discussion, **MOTION CARRIED.**

#### **MEMBERSHIP ROSTER APPROVALS**

Mr. Ewusi presented the counties for roster approval. Six LEPCs had submitted their rosters for approval:

Bartholomew, Dubois, Jay, Jennings, Madison, White

Commissioner Greer made a motion to approve the submitted rosters, which Commissioner Reed seconded. Following no discussion, **MOTION CARRIED.**

## **REPORT OF IERC FIELD REPRESENTATIVE**

Mr. Ewusi reported that the Lt. Governor's office had notified him about a Federal Register Notice regarding an August 2005 petition by the National Chicken Council, the National Turkey Federation, and the U.S. Poultry and Egg Association as nonprofit member organizations. The petition was that the reporting requirements for ammonia from poultry operations be exempted from CERCLA and EPCRA. USEPA was awaiting comments from the LEPCs and SERCs about the usefulness of release reports required under EPCRA (40 CFR 355). Comments on this petition would be due by March 27, 2006. Mr. Ewusi asked if it would be prudent for all interested LEPCs to pool their comments together and submit them along with the Commission's comments to USEPA.

After some discussion it was determined that Commissioner Palin would work with Mr. Ewusi and Mr. Gavin to review the petition, better understand the nexus of it, and report on their findings at the next IERC meeting in March.

Mr. Ewusi reported that as of December 31, 2005, sixty-nine LEPCs had received funding in 2005 for meeting the 2004 funding requirements. He stated that he was still working to help some of the 22 non-compliant LEPCs to become compliant. He also provided a document detailing all LEPCs and the activities they needed to complete in 2005 to receive funding in 2006. The document showed only twenty-nine LEPCs compliant to receive funding for 2006 to date.

Commissioner Greer asked if the majority of the 29 compliant LEPCs were in the northern part of the state and wondered if LEPC non-compliance was due to the lack of field representatives.

Chairman Wojtalewicz reported that he and Director Dietz were scheduled to meet with Kathy Dayhoff-Dwyer, the former southern LEPC field representative, and would ask for her perspective on LEPC non-compliance. He stated that an alternative for assisting non-compliant LEPCs would be to use existing DHS field coordinators and that he would provide additional information on this at the next meeting.

## **OLD BUSINESS**

Mr. Ewusi reported that in accordance with the Commission's request at the November 14, 2005, meeting to approve LEPC spending under spending category 7, Dubois County had submitted a letter of explanation for the purchase of fit-testing equipment. He indicated that a letter would be sent acknowledging receipt of their letter and allowing commencement of the proposed project.

## **NEW BUSINESS**

Commissioner Brown requested a discussion regarding the administration of the Hazardous Material Emergency Planning Grant (HMEP). He suggested that Mr. Ewusi

and the Training and Policy Committee come up with a more efficient process—for example, share the budget with the LEPCs so they would know exactly how much money had been allocated for planning and training budgets to prevent over-expenditures.

A discussion ensued between the Commission and the audience on how the grant had been administered in the past and the pros and cons of the process. There was also discussion on how the reimbursement process was inefficient.

Chairman Wojtalewicz suggested that the Fiscal Committee take a lead in coming up with a better process and asked that Mr. Ewusi report on it at the next meeting. Mr. Ewusi stated that he was currently in the process of putting the application packet together and that it should be available for the Fiscal and Training Committees to take a look at before it would be sent out to LEPCs.

Mr. Rock from the audience asked if it would be possible to use HMEP grant money for county planning, specifically in the development of a countywide emergency plan. This he estimated would eliminate the cost in time and money for developing and writing LEPC plans by incorporating the LEPC plans into county Comprehensive Emergency Management Plans (CEMPs) required by the Indiana Department of Homeland Security at the local level. He stated that this would not only allow counties to focus on training and writing one plan but also allow consistency throughout the state or throughout the jurisdictions.

Mr. Ewusi stated that the IERC guidance for LEPCs on the plan writing requirements were and had always been clearly spelled out to address the nine planning elements in the plan evaluation checklist. He stated that LEPCs modify the format to fit their county requirements as long as those nine elements are addressed.

Commissioner Brown suggested that Mr. Plum from the audience take the LEPC plan and make it part of his county's hazard-specific plan and include it in the entire CEMP. Commissioner Brown said that his county had employed the same method with their LEPC, hazardous materials, and snow response plans.

Mr. Rock also asked if it would be possible to use LEPC monies for the development of a countywide emergency plan. Mr. Ewusi explained that there were two funding issues: LEPC funds and the HMEP grant. The HMEP grant provided by the U.S. Department of Transportation (DOT) is divided into two categories—exercise and planning grants. Using the HMEP grant to develop county plans would be inappropriate since USDOT had nothing to do with their LEPC and the county's plan. There were ample provisions for LEPC funds to be used to help write the LEPC plan, but not the countywide plan.

Commissioner Greer asked about the status of the new appointments to the IERC. Mr. Ewusi reported that two people had been contacted: Ms. Carol Shelby, as a Public Representative, and Robert Reilly, as an Industry Representative.

Commissioner Greer stated that the Committees needed more members and encouraged the audience to join the Committees.

#### **EPA COMMENTS**

None

#### **LEPC COMMENTS**

Mr. Larimore from the audience asked Mr. Gavin if there had there been any decision made on record retention. Mr. Gavin answered that no decision had been reached but thanked Mr. Larimore for bringing it to the Commission's attention again.

Mr. Gary McDaniels from the audience asked if there was still money available for the 2005 HMEP grants and, if so, what the window of opportunity was for applying.

Mr. Ewusi said that applicants would have until September to submit an application for 2005 funding. Mr. Ewusi explained that DOT would have to approve applications for the grant.

#### **NEXT MEETING TIME AND LOCATION**

A reminder was given of the next meeting to be held in the Indiana Government Center Conference Room A on March 13, 2006, at 1:00 PM.

Following no further discussion or business, Chairman Wojtalewicz thanked the Commission members and audience for attending the meeting.

**THE MEETING WAS ADJOURNED.**